IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22238 of 2004

Between:

Smt. K.M. Manohari, W/o. K. Prakasam,
Kankanampadu Village, Veligandla Mandal,

Prakasham District.

..... PETITIONER

AND

1 Joint Collector, Prakasham District (Civil Supplies)
Ongole.
2 Revenue Divisional Officer, Kandukur, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order more particularly one in the nature of writ of mandamus or an appropriate writ or order declaring the proceedings in R.C.F./2526/2004, dt. 19-11-2004 issued by the 2nd respondent and in action of the 1st respondent in not disposing the stay petition and appeal filed by petitioner as illegal, arbitrary and unconstitutional.

Counsel for the Petitioner:MR.KOTI REDDY IDAMAKANTI

Counsel for the Respondents 1 and 2: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner is a Fair Price Shop Dealer of Kankanampadu Village, Veligandla Mandal, Prakasham District. Her authorization was suspended by the 2nd respondent through order, dated 19.11.2004. Petitioner claims to have preferred an appeal before the 1st respondent together with an application for grant of stay. Her grievance is that the 1st respondent has not passed any order so far, either in the appeal or in the stay petition, and in the meanwhile, she is disabled from functioning as dealer.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner has already availed the remedy of appeal against the order of suspension. She also filed an application for grant of stay. By the very nature of it, an application for grant of stay needs to be disposed without any avoidable delay. If it is kept pending unduly, the very purpose of filing the appeal may be defeated.

A perusal of the order of suspension, in the context of the feasibility of granting any interim orders, pending the appeal, discloses that the charges are not *prima facie* grave. The explanation offered by the petitioner on various charges was rejected under the sweeping observation 'not satisfactory'. It is true that elaborate consideration is not expected at this level. However, ignoring a valid explanation, just with an observation that it is not satisfactory, would defeat the very purpose of

issuance of show cause notice. Further, there are no allegations that the petitioner has diverted the essential commodities to black market or that she has not distributed the essential commodities.

Hence, the writ petition is disposed of directing that the order of suspension, dated 19.11.2004, passed by the 2nd respondent shall remain stayed, pending disposal of the appeal by the 1st respondent. There shall be no order as to costs.

_____

L.NARASIMHA REDDY, J

Dated : 03rd December, 2004

Ts

To

1 Joint Collector, Prakasham District (Civil Supplies)
Ongole.
2 Revenue Divisional Officer, Kandukur, Prakasam District.

3 2 CCS to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).

4. 2CD copies